583 unjust in itself, it certainly becomes so if it is considered a penalty
584 inflicted for the rupture. For the indemnity is restricted to the man,
174 whether or not he is in the wrong. Furthermore, to accept an indemnity
177 even when the engagement is broken because of the woman tends to favor frauds and real swindles on the part of the woman and her parents, in short a kind of traffic in women.

[585] It is also evident that the rich (polygamists) suffer much less from the innovation than do monogamous men, especially those who
• [774] adopt monogamy as a principle and more especially the Christians, who do not condone divorce. Thus I am of the opinion that the desire to defend polygamy against the doctrine of the missionaries is not entirely unrelated to the transformation of this custom.

000 All these considerations show that the question is highly complex and that it would be better if the ancient custom were restored.

If the breaking of the engagement is due to wrongs, the new custom could perhaps be tolerated, though it is not without serious dangers, but the indemnity should be imposed exclusively on the party at fault. Furthermore, the wrongs would have to be serious, and on the other hand, the indemnity would have to be, not in the nature of a forfeit, but of a payment of damages commensurate with the extent of the damage suffered and the seriousness of the wrong. And here those cases should especially be considered where the breaking of the engagement is accompanied by proceedings of a vexatious and insulting nature. And though it is a very delicate task to evaluate all these elements, we must not forget to take them into account.

It seems to me that the ancient law must still be maintained when the engagement is broken simply because of a change of feelings for which neither party is to blame, if such a case occurs. For it is better not to innovate than to innovate too fast. [129]

Article IV. Walo -- Bombuluku

583 The walo or bombuluku is the bulk of the bride price paid for a marriage. Between the payment of the ndanga and that of the walo,